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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Art Unit: 1614

ROBL ET AL.

Examiner: Moezie, F.

APPLICATION NO: 09/391,053

FILED: SEPTEMBER 7, 1999

FOR: METHOD FOR TREATING DIABETES EMPLOYING AN AP2  
INHIBITOR AND COMBINATION

13/11  
5/11/99  
7-7-01

Assistant Commissioner for Patents  
Washington, D.C. 20231**RESPONSE**

Sir:

In response to the Office Action dated March 21, 2001, Applicants respectfully request that the Examiner withdraw the rejections of record and pass all claims to allowance in view of the following amendments and remarks.

**AMENDMENTS****In the Claims**

5. (Amended) The method as defined in Claim 3 where said aP2 inhibitor contains an additional substituent which binds within and/or interacts with a discrete pocket within the aP2 protein defined by the amino acid residues designated Phe I6, Tyr I9, Met 20, Val 23, Val 25, Ala 33, Phe 57, Thr 74, Ala 75, Asp 76, and Arg 78 in human aP2.

A marked-up version the amended claims is provided in the attached Appendix.

**REMARKS****The Rejections Under 35 U.S.C. §112, ¶2**

The Examiner has rejected claim 5 under 35 U.S.C. §112, ¶2 on the asserted basis that the parenthetical expression "(in)" renders the claim indefinite. Applicants have amended claim 5 to replace the terms "to (in)" with: --within--. Support for this amendment can be found in the